

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION**

**JONATHAN SALADA,
BOP #00564095,**

Plaintiff,

v.

**PUTNAM COUNTY SHERIFF DEPT.,
SERGEANT JAMIE EMMERTON,
SOUTHERN HEALTH PARTNERS, INC.,
DANIEL S. COBURN, LPN,
DEBORAH A. DECK, LPN-MTA,
JESSICA R. REAGAN, LPN, and
DR. KENNETH MATHEWS,**

Defendants.

**Case No. 2:16-cv-0032
Chief Judge Crenshaw
Magistrate Judge Brown
Jury Demand**

**SUMMARY JUDGMENT MOTION
OF SHP DEFENDANTS**

The Defendants, Southern Health Partners, Inc., Daniel S. Coburn, LPN, Deborah A. Deck, LPN-MTA, Jessica R. Reagan, LPN, and Dr. Kenneth Mathews (collectively the “SHP Defendants”), by counsel, and pursuant to Rule 56 of the Federal Rules of Civil Procedure, now respectfully move the Court for entry of summary judgment to dismiss all claims against the SHP Defendants in this lawsuit asserted by the Plaintiff.

On March 21, 2017, Magistrate Judge Joe B. Brown issued a Report and Recommendation with regard to the SHP Defendants’ Motion to Dismiss and the Motion for Summary Judgment of the Putnam County Sheriff’s Department and Sergeant Jamie Emmerton. (Docket Entry 88). Although Magistrate Judge Brown recommended that the SHP Defendants’ Motion to Dismiss be denied, he further recommended that “[a]bsent any indication that SHP and its medical staff have

adopted this summary judgment motion as their own, it should be **DENIED WITHOUT PREJUDICE** as to the claims against SHP, Dr. Mathews, and Nurses Coburn, Deck, and Reagan.” (Docket Entry 88, p. 10).

On April 24, 2017, the Court entered an order which adopted Magistrate Judge Brown’s Report and Recommendation, which noted that:

To the extent that the Sheriff’s Department and Emmerton argue that summary judgment is appropriate on Salada’s claims against Defendants SHP, Kenneth Mathews, Jr., Daniel Coburn, Deborah Deck, and Jessica Reagan, this motion is **DENIED WITHOUT PREJUDICE** because the record does not reflect that the Defendants, SHP, Mathews, Coburn, Deck, and Reagan adopted or incorporated the motion.

(Docket Entry 91, p. 1-2).

The SHP Defendants now adopt and incorporate herein by reference the Motion for Summary Judgment of the Putnam County Sheriff’s Department and Sergeant Emmerton (Docket Entry 62), the supporting Memorandum of Law in Support (Docket Entry 63), and the Statement of Undisputed Material Facts in Support (Docket Entry 64), as well as all exhibits attached thereto in support of said motion.

AS SPECIFIC GROUNDS FOR THE PRESENT MOTION, the SHP Defendants would respectfully show unto the Court as follows:

1. Plaintiff cannot show that the SHP Defendants were deliberately indifferent to his medical needs within the meaning of 42 U.S.C. § 1983;
2. Plaintiff cannot show the existence of an unlawful policy or custom and a causal link between such policy or custom and a violation of Plaintiff’s constitutional rights; and
3. Plaintiff’s claims against the SHP Defendants should be dismissed because Plaintiff failed to comply with the statutory requirements under the Tennessee Health Care Liability Act.

This Motion is based upon the arguments contained in the Memorandum of Law in Support

of the SHP Defendants' Motion for Summary Judgment, which is filed concurrently with this Motion and which is incorporated herein by reference as Exhibit A; the Concise Statement of Facts In Support of Summary Judgment Motion of SHP Defendants, which is filed concurrently with this Motion and which incorporated herein by reference as Exhibit B; the medical records of Plaintiff filed under seal by Jamie Emmerton, Putnam County Sheriff's Department (Docket Entry 67), which is incorporated herein by reference as Exhibit C; the Affidavit of Jamie Emmerton (Docket Entry 62-1), which is incorporated herein by reference as Exhibit D; the entire record in this action; and all oral and/or documentary evidence which may be presented to or before the Court prior to its ruling on this Motion.

PREMISES CONSIDERED, the Defendants, Southern Health Partners, Inc., Daniel S. Coburn, LPN, Deborah A. Deck, LPN-MTA, Jessica R. Reagan, LPN, and Dr. Kenneth Mathews request that the Court grant their summary judgment motion and dismiss all claims against them in this lawsuit. These Defendants further request all additional relief to which they may be entitled in these premises.

Respectfully submitted,

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Attorney for Defendants
Southern Health Partners, Inc., et al.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of *Summary Judgment Motion of SHP Defendants* has been forwarded by electronic means via the Court's electronic filing system and/or by U.S. Mail, postage prepaid, to:

Jonathan Salada
#564095
Trousdale Turner Correctional Facility
140 Macon Way
Hartsville, Tennessee 37074

By U.S. Mail, Postage Prepaid

Daniel H. Rader, III, Esq.
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This the 15th day of May, 2017.

By: s/Reid D. Leitner
Reid D. Leitner

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